

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|--------------------------|---|----------------------|
| ----- x | : | |
| UNITED STATES OF AMERICA | : | CONSENT ORDER |
| -v.- | : | <u>OF FORFEITURE</u> |
| JOSEPH CONTORINIS, | : | 09 Cr. 1083 (RJS) |
| Defendant. | : | |
| ----- x | : | |

WHEREAS, on November 5, 2009, JOSEPH CONTORINIS (the "defendant") was charged in a ten-count Indictment, 09 Cr. 1083 (RJS) (the "Indictment"), with conspiring to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); and securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2, and Title 18, United States Code, Section 2 (Counts Two through Ten);

WHEREAS, the Indictment included a forfeiture allegation seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the securities fraud offenses, including but not limited to the following:

a. At least \$7,200,000 in United States currency, in that such sum in aggregate is property which was derived from

proceeds traceable to the commission of the securities fraud offenses listed in Counts One through Ten of the Indictment;

WHEREAS, on or about February 17, 2009 the defendant posted bail, which included \$3,000,000.000 in United States currency;

WHEREAS, on October 6, 2010, a jury in the Southern District of New York found the defendant guilty of Counts One and Four through Ten of the Indictment;

WHEREAS, on or about December 17, 2010, the Court sentenced and ordered the defendant to forfeit \$12,650,438.00;

WHEREAS, on or about December 22, 2010, the Court entered an Order of Forfeiture ordering the defendant to forfeit \$12,650,438.00 (the "December 22, 2010 Order of Forfeiture");

WHEREAS, on or about December 30, 2010, the defendant appealed his conviction and sentence including the December 22, 2010 Order of Forfeiture;

WHEREAS, on or about August 17, 2012, the United States Court of Appeals for the Second Circuit affirmed the defendant's conviction but vacated the December 22, 2010 Order of Forfeiture and remanded the matter to the District Court for further proceedings because the Court held that the forfeiture order included funds that "were never possessed or controlled" by the defendant;

WHEREAS, the parties agree that in light of the Second Circuit's decision, the proper forfeiture amount is \$427,875.00, which constitutes proceeds traceable to the offenses of conviction;

WHEREAS, the parties agree that \$427,875.00 be paid from the bail posted by the defendant and upon the release of the bail, a check for \$427,875.00 shall be sent to the to the United States Attorney's Office by the Clerk of the Court and be applied in full satisfaction of the defendant's forfeiture obligation;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney, Preet Bharara, United States Attorney, Assistant United States Attorney Andrew L. Fish, of counsel, and the defendant, and his counsel, Roberto Finzi, Esq., and Farrah R. Berse, Esq. that:

1. As a result of the offenses charged in Counts One and Four through Ten of the Indictment, which the defendant was found guilty of, a forfeiture money judgment in the amount of \$427,875.00 in United States currency shall be entered against the defendant (the "Money Judgement").

2. Upon return to the defendant of amounts posted as bail, the Clerk of the Court shall send a check to the United States Attorney's office, made payable to the United States Marshals, in the amount of \$427,875.00 in United States currency. These funds shall be deducted from the \$3,000,000.00 in cash

posted by the defendant as part of his bail, and shall be applied in full satisfaction of the Money Judgment.

3. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Order of Forfeiture is final as to the defendant upon entry of this order, and shall be made part of the sentence of the defendant, and shall be included in the Money Judgment of conviction therewith.

4. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit \$427,875.000 payment on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.


6. The Clerk of the Court shall forward two certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

7. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an

original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: 
ANDREW L. FISH
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2548

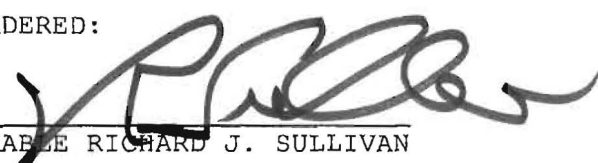
1/3/2013
DATE

JOSEPH CONTORINIS, DEFENDANT

By: 
ROBERTO FINZI
FARRAH R. BERSE
Paul, Weiss, Rifkind,
Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3311/3008

1/3/13
DATE

SO ORDERED:


HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

6/13/13
DATE